

REMARKS

Prior Art Rejections

Claims 1, 2, 4-9, 11-19, and 24-30 stand rejected under 35 U.S.C. § 103 as being unpatentable over Komuro (U.S. Pat. 7,177,427) in view of Van Rijnsoever (U.S. Pub. 2002/0090090).

Claims 3 and 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Komuro in view of Van Rijnsoever and further in view of Clark et al. (U.S. Pat. 5,864,747).

Applicant respectfully traverses the rejections.

Neither Komuro nor Van Rijnsoever, taken alone or in combination, disclose or suggest all of the claimed limitations. Komuro merely describes a mechanism (which may be in a set top box) for enforcing CCI data contained in a received audio/video (A/V) program. More, particularly, Komuro discusses a STB 120 which “receives AV information in the form of data packets and performs any decryption required under CCI standarads”. See, Fig. 5A, elements 120 and 410; col. 7, lns. 40-57. Of course, the CCI data is added by the content owners who dictate and decide if a their content may be copied never, once or freely. Such addition of CCI data naturally must occur well upstream to STB 120 discussed in Komuro, e.g. at a point at which the content owner has control of the content, such as at the headend or at the creation of the content itself. Komuro discusses to recover the CCI information from the received AV stream and determine which kind of copy protection is required by the content owners. See, col. 7, lns. 51-57. Additional detailed discussion of Komuro presented in Applicant’s previous response is incorporated herein by reference.

Contrary to the apparent assertion in the Office action, Komuro does not create multiple copies of the same content (i.e. AV program). Indeed, doing so would violate the CCI requirements Komuro is attempting to enforce, e.g. making a copy freely version and a copy never version would clearly violate a CCI requirement of copy never and/or a CCI requirement of copy once. Komuro repeatedly explains that one encryption mode OR another is chosen, not that both are chosen to make “a plurality of encrypted

versions". See, col. 7, lns. 51-57, underlining added for emphasis "circuit 412 is an EMI mode select circuit ... will select either EMI mode A or EMI mode B, if copy protection is required. If no copy protection is required, the interface 413 is passed directly to interface 125 and EMI mode O ... is inserted." Komuro goes on to describe selection of the modes A or B in the alternative, stating "If EMI mode A is selected" (col. 7, lns 59-60) and "If EMI mode B is selected" (col. 8, ln. 2). Clearly, Komuro does not form "a plurality of encrypted versions of secured blocks" as required by the claims. Furthermore, doing so would clearly violate the CCI requirements (i.e. a copy freely and a copy never version could not both satisfy a specific CCI requirement), hence a suggestion to do so would clearly render Komuro inoperative for its intended use.

Van Rijnsoever does not cure the deficiencies of Komuro. Van Rijnsoever merely explains that each STB may have an associated key. See, Para. 19. Van Rijnsoever also does not appear to disclose to create multiple versions of content and does not appear to discuss a class of STBs having a common key. Further, the addition of Van Rijnsoever to Komuro cannot cure the fact that Komuro cannot create multiple encrypted versions without violating the CCI requirements which it is designed to enforce.

The combination of Komuro and Van Rijnsoever does not meet all of the claimed limitations. Furthermore, the combination is not permissible as it attempts to modify Komuro in a way which clearly would render it inoperable, and even opposite, to its intended use.

Clark also is not believed to cure the deficiencies of the above combination, and the Office action does not appear to rely on Clark for such. Furthermore, claims 3 and 10 depend from, and include all the limitations of independent claims 1 and 6. Therefore, Applicant respectfully requests the reconsideration of dependent claims 3 and 10 and requests withdrawal of the rejection.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any

questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Dated: August 6, 2009

Respectfully submitted,

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